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Our Docket No.: 42390.P4264



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

JAN 18 2002

Technology Center 2600

In re Application of:

Yavatkar, et al.

Application No: 09/041,979

Filed: Concurrently Herewith

For: Ensuring Quality Of Service (QOS)
For A Multi-Media Call Through
Call Associated Individual Media
Stream Bandwidth Control

Examiner: Yao, K.

Art Unit: 2664

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PRELIMINARY AMENDMENT

Sir:

It is respectfully requested that the following remarks be considered:

REMARKS

The following remarks are responsive to the Office Action mailed November 27, 2001. No claims have been amended. No claims have been added. No claims have been canceled. Thus, claims 1-28 are pending.

In the Final Office Action dated November 27, 2001, claims 1-28 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,253,507 of Malek et. al. ("Malek"). In response, applicants submit a declaration pursuant to 37 C.F.R. § 1.131 enclosed herewith to overcome the Malek reference.

Applicants emphasize that submission of the enclosed declaration pursuant to 37 C.F.R. § 1.131 should not be construed as an acquiescence to the any of the reasons for